

EXHIBIT "C"

EXHIBIT "C"

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

---

7<sup>TH</sup> & ALLEN EQUITIES,

Plaintiff,

v.

HARTFORD CASUALTY INSURANCE  
COMPANY,

Defendant.

---

CIVIL ACTION NO. 5:11-01567-JKG

AFFIDAVIT OF MICHAEL ZAZULA

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

BEFORE ME, the undersigned authority, personally appeared MICHAEL ZAZULA, and who, after first being sworn, deposes and says:

1. My name is MICHAEL ZAZULA. I am over 21 years of age and otherwise competent to make the statements set forth herein.

2. I have personal knowledge of all matters contained in this Affidavit.

3. On March 11, 2009, I inspected the subject sprinkler head at the insured building located at 602-618 North 7<sup>th</sup> Street, Allentown, PA (the "subject building").

4. Employee(s) of Rite-Aid were present at the subject building at the time of my March 11, 2009 inspection and the Rite-Aid employee(s) made available the subject sprinkler head for inspection.

5. The Rite-Aid employee(s) specifically stated they were instructed to retain the subject sprinkler head at the conclusion of my inspection.

6. I performed the March 11, 2009 inspection on site at the subject building

and in the presence of the Rite-Aid employee(s) that had possession of the subject sprinkler head.

7. At no time was the subject sprinkler head ever received by me, retained by me or in my custody or possession.

8. At the conclusion of my inspection, I specifically asked the Rite Aid employee(s) if I could take possession of the subject sprinkler head as evidence.

9. The Rite-Aid employee(s) refused to allow me to take possession of the subject sprinkler head. The Rite-Aid employee(s) stated he was informed to not release the sprinkler head and that employee(s) would maintain possession of the sprinkler.

10. After I was denied the ability to take possession of the sprinkler head, I repeatedly advised/informed the Rite-Aid employee(s) of the importance to retain the subject sprinkler head as it was clearly a significant evidentiary component in determining the causation of the subject loss.



*[signature of affiant]*

Michael Zazula

915 Shadeland Ave.

Drexel Hill, PA 19062

Dated: August 30, 2012